

U. S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

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CURVES INTERNATIONAL, INC.,)

Plaintiff,)

v.)

LINDA S. MOSBARGER,)

Defendant.)

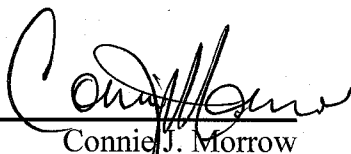
CASE NO. 2007-CV-807-MHT

DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

NOTICE OF FILING

COMES NOW the DEFENDANT LINDA S. LEWIS, by and through undersigned counsel, and requests this Honorable Court to consider the AFFIDAVIT OF J. D. DASINGER filed herewith in support of the Defendant's Brief In Support of Pending Motions and Brief Related To Motion To Add Parties, previously filed with this Honorable Court, and all subsequent documents in support of the Defendant's request for Summary Judgment which may be subsequently filed in this matter.

Respectfully submitted,



Connie J. Morrow
(#ASB-6870-078C)

Attorney for LINDA S. LEWIS

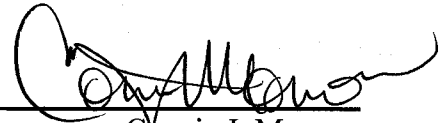
OF COUNSEL:
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CERTIFICATE OF SERVICE

The undersigned verifies a true and accurate copy of this document has been delivered to the following (Defendants and purported legal counsel) by placing on this date a copy of such in the U. S. mail, proper postage prepaid, on this the 5th day of February, 2008, and addressed as follows:

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Connie J. Morrow
(#ASB-6870-O78C)

U. S. DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

RECEIVED

CURVES INTERNATIONAL, INC.,)
)
Plaintiff,)
)
v.)
)
)
LINDA S. MOSBARGER,)
)
Defendant.)

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DEBRA P. HACKETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

CASE NO. 2007-CV-807-MHT

AFFIDAVIT OF J. D. DASINGER

My name is J. D. Dasinger. I am a law enforcement officer in Elmore County, Alabama. While executing my official duties working a different matter, on November 1, 2007, at approximately 4:30 p.m. in the Possum Trot Road area of Elmore County, I observed an individual who I had spoken with earlier in the day approaching my vehicle. I had met this person, Linda Lewis, earlier in the day with a number of other individuals in the area who were concerned about a "Peeping Tom" or stalker who had been stopping in the middle of Possum Trot Road in front of the building located at 770 Shields Road, Deatsville, Alabama 36022, apparently watching individuals working out to music at "Jordan's Gym", which I now understand is "The Jordan Community Center." The men and women in the community were concerned about the described unusual behavior of this unknown white male so they requested close surveillance of the neighborhood by law enforcement. Later, at the parking lot of the facility working on a different matter, I observed a male driver matching the description of the earlier reported "suspicious observer" park the earlier described vehicle in the parking lot, exit the vehicle and enter

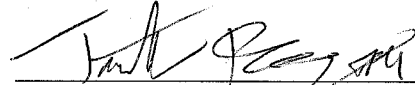
the building. A short time later, Ms. Lewis approached my vehicle with the subject. The two were obviously arguing and Ms. Lewis was extremely upset. The suspect stated he was an attorney and was there to check things out for a lawsuit he was involved in against Ms. Lewis. I asked the subject if he had the permission of the owner or their attorney to be present. He said, "No." I told him it would be better for him "to get in his vehicle and leave." He stated he had a "deposition"

the next day with Ms. Lewis. I told him it would be better to wait until the deposition to discuss the matter any further. Once again, I asked him to leave. He begrudgingly finally complied, and left the parking lot of the building without further incident. At the time, it appeared to me Ms. Lewis was not the owner of the building. If it had been known, by this officer at the time that she was the owner of the building, which appeared to be part of the dispute between the two, I would have "trespassed" the lawyer off of the premises, as is my standard practice in matters such as this when ownership of the premises is not an issue. All during this fifteen to twenty minute incident, the lawyer maintained his innocence of the suspected "Peeping Tom" activity stating he was "Michael Gray" from 80 South Eighth Street in Minneapolis, Minnesota, and had only arrived in town earlier in the day. There have been no further reports of any stalking-type behavior at the subject property to the best of my knowledge since the occurrence of this incident on November 1, 2007. On November 2, 2007, I drafted a standard incident offense report to document the matter for future law enforcement needs. Seldom, if ever, do I put everything I observe in the Incident Offense report. Putting every detail in a preliminary investigation report is restricted by time and the fact I, like many officers, are

working more than one matter at a time. I am over the age of 19 years old. This statement is true and correct to the best of my knowledge.

This concludes my statement.

Dated this the 4th day of February, 2008.


J. D. DASINGER

Notary Certification

I, Tonya Markel, the undersigned authority, a Notary Public in and for said State at Large, hereby certify that J. D. Dasinger is signed in the foregoing, and who is known to me, acknowledged before me on this day, that being informed of the contents and being of sound mind verified the truth and veracity of the foregoing and voluntarily executed this document after being duly sworn.

Given under my hand and seal this the 5th day of February, 2008.


NOTARY PUBLIC

My commission expires: July 7, 2010